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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,727	04/30/2001	Donald George Richardson	211016	3644

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EXAMINER

RAYMOND, EDWARD

ART UNIT PAPER NUMBER.

2857

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,727

Applicant(s)

RICHARDSON, DONALD
GEORGE

Examiner

Edward Raymond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 20, and 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-19 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. Correction is required.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

3. Preliminary Amendment filed September 7, 2001 has not been entered in full. **Claims 7-10, 20, 21, and 25** have not been amended. **Claims 10 and 25** remain cancelled. Purported **Claims 7 and 20** have been renumbered Claim 27 and 28, respectively. **Claims 7-9, 20, and 21** are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. Also, Claim 7 is in improper form because the language "according to claim _ when appended to claims _ or _." See MPEP § 608.01(n). Accordingly, the claims 7-9, 20, and 21 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Woolley et al. Thrayher

6. **Claims 1-6, 11-19, and 21-28** are rejected under 35 U.S.C. 102(e) as being anticipated by Woolley et al. Woolley et al. teach a method of monitoring a consignment of goods including the following steps measuring a predetermined parameter or parameters of the consignment (Claims 1 and 12: see col. 16, lines 9-15) using a disposable sender device attachable to the consignment (Claims 1 and 12: see col. 16, lines 32-33: The Examiner notes that the asset tags of the reference can be disposed of); transmitting a signal containing data representative of the measured parameter to a central location (Claims 1 and 12: see col. 16, lines 21-25); maintaining a database relating to the consignment at the central location, the database including the data representative of the measured parameters (Claims 1 and 12: see col. 16, lines 14-20); initializing the database to include consignment data for each consignment (Claims 1 and 12: see col. 16, lines 42-43); and providing secure communication access to the database to enable monitoring by enabled users of data available from the database (Claims 1 and 12: see col. 16, lines 32-39).

Woolley et al. teach a method of monitoring wherein the parameter or parameters are measured continuously or at predetermined intervals and the data includes time

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indicative data associated with the measurements (Claim 2 and 13: see col. 20, lines 37-52).

Wolley et al. teach a method of monitoring wherein the parameter is the temperature of the consignment (Claims 3 and 14: see col. 16, lines 43-45).

Wolley et al. teach a method of monitoring including the step of communicating the data to an intermediate sender device provided at the location of the consignment and transmitting the data from the intermediate sender device to the central location (Claim 4 and 15: see col. 16, 53-64).

Wolley et al. teach a method of monitoring including the step of determining the location of the consignment and including data representative of the determined location in the data transmitted to the central location (Claims 5 and 16: see col. 17, lines 26-29).

Wolley et al. teach a method of monitoring including the step of storing the data in a storage means before transmission to the central location (Claims 6, 19, 27, and 28: see col. 19, lines 57-61).

Wolley et al. teach a method of monitoring wherein the secure communication access is provided via the Internet (Claims 11 and 26: see col. 56, lines 36-40).

Wolley et al. teach a system for monitoring wherein the location determining means includes a global positioning system (Claim 17: see col. 17, lines 29-34).

Wolley et al. teach a system for monitoring wherein the location determining means is included in the intermediate sender device (Claim 18: see col. 16, lines 58-64).

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Wolley et al. teach a system for monitoring wherein the sender device is disposable and battery powered (Claim 22: see col. 19, lines 32-34).

Wolley et al. teach a system for monitoring wherein the sender device is disposable and inductively powered from the intermediate sender device (Claim 23: see col. 16, lines 46-52).

Wolley et al. teach a system for monitoring wherein the database includes set point values associated with the consignment for one or more of the measured parameters and the computer system means includes comparison means for comparing measured values with corresponding set point values to determine whether the consignment is meeting predetermined conditions (Claim 24: see col. 61, lines 5-15).

Wolley et al. teach a system for monitoring wherein the consignment data for each consignment includes dispatch and product data (Claim 25: see col. 17, lines 26-34: The Examiner notes that information about where a product is located is equivalent to dispatch data).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hertel teaches an accountability and theft protection via the global positioning system. Klughart teaches a wireless communication system with parallel polling. Lee et al. teach an integrated circuit with wireless freshness seal. Beri et al. teach a method and system of configuring a boundary and tracking an object thereby. Hoffman et al. teach a personal security and tracking system.

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Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 703-308-6235. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4447 for regular communications and 703-308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

November 13, 2002
Edward Raymond
Patent Examiner
Art Unit 2857


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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